

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3401 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

RAVINDRA BHAGVANDAS PATEL

Versus

STATE OF GUJARAT

Appearance:

MR KG VAKHARIA for Petitioners

Ms MANISHA LAVKUMAR, AGP for Respondent No. 1, 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 30/07/1999

ORAL JUDGEMENT

Heard Mr Vakharia, learned counsel for the petitioners and Ms Manisha Lavkumar, learned AGP for the respondents.

2. The petitioners have challenged the order dated 28.5.1986 passed by the State Government under Section 34 of the Urban Land (Ceiling & Regulation) Act, 1976 declaring 782 sq.mtrs. of land as excess holding in the hands of the petitioners and directing the Competent

Authority to proceed further in the matter.

3. While issuing notice on this petition on 9.7.1986, this Court had granted ad-interim stay against further proceedings which stay was confirmed while admitting the petition on 28.7.1986. The possession of the land/s in question is not taken by the respondent authorities, which fact is not in dispute in view of the written instructions received by the learned AGP from the Deputy Collector (Unit No. 3+9), ULC, Ahmedabad (Sr.No. 42).

4. The Urban Land (Ceiling & Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling & Regulation) Repeal Act, 1999, as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March, 1999, passed under Article 252 (2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the order impugned in the present petition does not survive and all the proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

4. The petition is accordingly disposed of as having abated. There shall be no order as to costs.

July 30, 1999 (M.S. Shah, J.)

sundar/-